copy of the indicated document as referred or transmitted to committee.

Chief Glorik of the House

FILED MAR 081999

By Cyml

HB. No. 2479

A BILL TO BE ENTITLED

AN ACT

relating to the provision of plumbing services to certain economically distressed areas.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 3, The Plumbing License Law, (Title 109A, V. A. C. S. Article 6243-101) is amended by adding a new subsection (c) and renumbering subsections (c) through (e) as subsections (d) through (f) respectively, to read as follows:

- (c) Plumbing work done by an organization providing "Self Help" work through a STEP program, certified by the Texas Natural Resource Conservation Commission, in a geographic area located in a county some part of which is within 150 miles of the international border of this state and that:
- (1) has a majority population composed of individuals and families of low income and very low income, based on the federal Office of Management and Budget poverty index, and meets the qualifications of an economically distressed area under Section 17.921, Water Code; or
- (2) has the physical and economic characteristics of a colonia, as determined by the department.
- (d) [(e)] Plumbing work done by anyone who is regularly employed as or acting as a maintenance man or maintenance engineer, incidental to and in connection with the business in which he is employed or engaged, and who does not engage in the occupation of a

installation plumber for the general public; construction, maintenance work done upon the premises or equipment of a railroad by an employee thereof who does not engage in the occupation of a plumber for the general public; and plumbing work done by persons engaged by any public service company in the laying, and operation of its service mains or lines to the point of measurement and the installation, alteration, adjustment, repair, removal and renovation of all types of appurtenances, equipment and appliances, including doing all that is necessary to render the appliances useable or serviceable; appliance installation service work done by anyone who is an appliance dealer or is employed by an appliance dealer, and acting as an appliance installation man or appliance service man in connecting appliances to existing piping installations; water treatment installations, exchanges, services, or repairs. Provided, however, that all work and service herein named or referred to shall be subject to inspection and approval in accordance with the terms of all valid city or municipal ordinances;

(e) [(d)] Plumbing work done by a licensed irrigator or licensed installer when working and licensed under Chapter 197, Acts of the 66th Legislature, Regular Session, 1979 (Article 8751, Vernon's Texas Civil Statutes). A person holding a valid license from the Texas State Board of Plumbing Examiners shall not be required to be licensed by any other board or agency when installing or working on a lawn irrigation system;

(f) [(e)] Plumbing work done by an LP Gas installer when working and licensed under Chapter 113, Natural Resources Code, as

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amended.

SECTION 2. This Act takes effect September 1, 1999.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

HOUSE COMMITTEE REPORT MAY - 4 PM 12: 4.5

1st Printing

· PERFERENCE

By Wise, Najera

H.B. No. 2475

Substitute the following for H.B. No. 2475:

By Wilson

C.S.H.B. No. 2475

	\cdot
	A BILL TO BE ENTITLED
1	AN ACT
2	relating to the provision of plumbing services to certain
3	economically distressed areas.
4	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
5	SECTION 1. Section 3, The Plumbing License Law (Article
6	6243-101, Vernon's Texas Civil Statutes), is amended to read as
7	follows:
8	Sec. 3. ACTS PERMITTED WITHOUT A LICENSE. (a) The
9	following acts, work and conduct shall be expressly permitted
10	without license:
11	(1) [(a)] Plumbing work done by a property owner in a
12	building owned or occupied by him as his homestead;
13	(2) [+b+] Plumbing work done outside the municipal
14	limits of any organized city, town or village in this state, or
15	within any such city, town or village of less than five thousand
16	(5,000) inhabitants, unless required by ordinance in such city,
17	town or village of less than five thousand (5,000) inhabitants;
18	(3) [(c)] Plumbing work done by anyone who is
19	regularly employed as or acting as a maintenance man or maintenance
20	engineer, incidental to and in connection with the business in
21	which he is employed or engaged, and who does not engage in the
22	occupation of a plumber for the general public; construction,
23	installation and maintenance work done upon the premises or
24	equipment of a railroad by an employee thereof who does not engage

C.S.H.B. No. 2475

in the occupation of a plumber for the general public; and plumbing work done by persons engaged by any public service company in the laying, maintenance and operation of its service mains or lines to of measurement and the installation, alteration, the point removal and renovation of all types adjustment, repair, equipment and appliances, including doing all that appurtenances, is necessary to render the appliances useable or serviceable; appliance installation and service work done by anyone who is an appliance dealer or is employed by an appliance dealer, and acting appliance installation man or appliance service man in connecting appliances to existing piping installations; water treatment installations, exchanges, services, or repairs. that all work and service herein named or Provided, however, referred to shall be subject to inspection and approval accordance with the terms of all local valid city or municipal ordinances:

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(4) [(d)] Plumbing work done by an [a--licensed] irrigator licensed under Chapter 34, Water Code, or an [licensed] installer licensed under Chapter 33, Water Code [when-working-and licensed-under-Chapter-1977-Acts-of-the-66th-begislature,-Regular Session,--1979--(Article-87517-Vernon's-Texas-Civil-Statutes)]. A person holding a valid license from the Texas State Board of Plumbing Examiners shall not be required to be licensed by any other board or agency when installing or working on a lawn irrigation system;

(5) [+e+] Plumbing work done by an LP Gas installer when working and licensed under Chapter 113, Natural Resources

2	(6) Plumbing work, limited to the provision of a
3	residential potable water supply or residential sanitary sewer
4	connections, for a project in a geographic area that is located in
5	a county any part of which is within 50 miles of an international
6	border that is done by an organization that:
7	(A) is certified by the Texas Natural Resource
8	Conservation Commission to provide "self-help" project assistance;
9	and
10	(B) provides the board with the following
11	information before the 30th day before the date the project begins:
1 2	(i) a specific project location;
13	(ii) the intended duration of the project;
14	<u>and</u>
15	(iii) other information the board may
16	require.
17	(b) Any failure by an organization to meet the requirements
18	of Subsection (a)(6) of this section, including the requirement to
19	obtain certification from the Texas Natural Resource Conservation
20	Commission under Subsection (a)(6)(A) of this section or the
21	requirement to provide a report to the board under Subsection
22	(a)(6)(B) of this section:
23	(1) invalidates the exception granted under Subsection
24	(a)(6) of this section for the plumbing work performed by that
25	organization in relation to the specific project on which the
26	plumbing work is performed; and
27	(2) makes any unlicensed individual or entity that

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Code, as amended;

C.S.H.B. No. 2475

performs the plumbing work for that project subject to all penalties ordinarily available to the board against an individual or entity that performs plumbing work without a license.

- (c) The board may provide training to an organization that provides "self-help" project assistance under Subsection (a)(6) of this section.
 - SECTION 2. This Act takes effect September 1, 1999.
- SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

COMMITTEE REPORT

The Honorable James E. "Pete" Laney Speaker of the House of Representatives

4/28/99 (date)

Sir:				•
We, your COMMITTEE ON LICE	NSING AND ADMIN	ISTRATIVE PROCED	DURES	
to whom was referredback with the recommendation the	#B 2475	have had th	he same under consid	deration and beg to report
() do pass, without amendment () do pass, with amendment(s). () do pass and be not printed; a		ee Substitute is recom	mended in lieu of the	Original measure
yes () no A fiscal note	was requested.			ongmai mododio.
() yes (X) no A criminal jus		tement was requeste	d.	•
() yes (X) no An equalized				
()yes (Ⅺ no An actuarial a			·	
() yes 💢 no A water devel	opment policy impac	t statement was requ	ested.	
() yes (💢) no A tax equity n		·		
() The Committee recommends	that this measure be	sent to the Committe	ee on Local and Cons	ent Calendars.
For Senate Measures: House Sp				
Joint Sponsors:	,	,	,	
Co-Sponsors:				
-				
The measure was reported from C	ommittee by the follo	wing vote:		
NACIL OL -	AYE	NAY	PNV	ABSENT
Wilson, Chair				
Yarbrough, Vice-chair Flores				
Goolsby				X
Haggerty	—			X
Jones, D.				
Moreno, J.				
Palmer	~			
Reyna, A.				
,				
Total 5				
ayo		· Vn	Wilson	
na ₁		CHAIR	yvan r	
,/	esent, not voting			
abs	sent			

BILL ANALYSIS

Office of House Bill Analysis

C.S.H.B. 2475
By: Wise
Licensing & Administrative Procedures
4/30/1999
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law requires that a licensed plumber connect water or sewer service in small towns with a population over 5,000, except for connections to homesteads. However, many colonia home purchasers are unable to qualify for homestead status, and therefore, must hire a professional plumbers, rather than being able to utilize self-help labor.

C.S.H.B. 2475 permits an organization, certified by the Texas Natural Resource Conservation Commission, that provides "self-help" project assistance in an area in a county any part of which is within 50 miles of the international border and that gives the Texas State Board of Plumbing Examiners (board) a specified project location, the intended duration of the project, and other information the board may require before the 30th day before the project begins, to perform plumbing work without a license if the work is limited to the provision of a residential potable water supply or residential sanitary sewer connections. Under this bill, any failure by the organization that provides "self-help" project assistance in those border areas to meet the above requirements invalidates the exception to perform plumbing work without a license and subjects any unlicensed individual or entity that performs the plumbing work to all penalties available against an individual or entity that performs plumbing work without a license.

RULEMAKING AUTHORITY

It is the opinion of the Office of House Bill Analysis that this bill does not expressly delegate any additional rulemaking authority to a state officer, department, agency, or institution.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 3, Article 6243-101, V. T. C. S. (The Plumbing License Law), as follows:

- Sec. 3. ACTS PERMITTED WITHOUT A LICENSE. (a) Created from existing text. Redesignates existing Subsections (a)-(e) to Subdivisions (1)-(5) and makes a conforming change to Subdivision (4) by updating statutory references. Adds Subdivision (6) to permit an organization, certified by the Texas Natural Resource Conservation Commission, that provides "self-help" project assistance in an area in a county any part of which is within 50 miles of the international border and that gives the Texas State Board of Plumbing Examiners (board) a specified project location, the intended duration of the project, and other information the board may require before the 30th day before the project begins, to perform plumbing work without a license if the work is limited to the provision of a residential potable water supply or residential sanitary sewer connections.
 - (b) Adds this subsection to provide that any failure by the organization that provides "self-help" project assistance in those border areas to meet the requirements of Section 3(a)(6) invalidates the exception to perform plumbing work without a license and subjects any unlicensed individual or entity that performs the plumbing work to all penalties available against an individual or entity that performs plumbing work without a license.
- (c) Adds this subsection to authorize the board to provide training to an organization that provides "self-help" project assistance.

SECTION 2. Effective date: September 1, 1999.

SECTION 3. Emergency clause.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 2475 differs from the original bill in SECTION 1, as follows:

The substitute redesignates existing Section 3, Article 6243-101, to proposed Section 3(a) and creates Sections 3(b) and (c). Accordingly, the substitute redesignates existing Subsections (a)-(e) of Section 3 to Subdivisions (1)-(5) of proposed Section 3(a). Because of these redesignations, the substitute negates the redesignations made by the original when it proposed to create a new Subsection (c) for existing Section 3.

As for proposed Subsection (c) of Section 3, the substitute redesignates it as Subdivision (6) of proposed Section 3(a) and amends it substantially. Under the original, proposed Subsection (c) would have included plumbing work done by an organization providing "Self Help" work through a STEP program, certified by the Texas Natural Resource Conservation Commission (TNRCC), in an area of a county within 150 miles of the international border, the majority population of which is designated as having low income or very low income according to the federal Office of Management and Budget poverty index and qualifies as an economically distressed area under Section 17.921, Water Code (Definitions), or that has the physical and economic characteristics of a colonia among the type of work permitted without a plumbing license.

Under the substitute, plumbing work done by an organization, certified by TNRCC, that provides "self-help" project assistance in an area in a county any part of which is within 50 miles of the international border must be limited to the provision of a residential potable water supply or residential sanitary sewer connections to be performed without a license. In addition, the substitute provides that, in addition to being certified by the Texas Natural Resource Conservation Commission, the organization that provides "self-help" project assistance must give the Texas State Board of Plumbing Examiners (board) a specified project location, the intended duration of the project, and other information the board may require before the 30th day before the project begins to be permitted to do plumbing work without a license.

As previously mentioned the substitute creates Sections 3(b) and (c). Proposed Section 3(b) provides that any failure by the organization that provides "self-help" project assistance in those border areas to meet the requirements of proposed Section 3(a)(6) invalidates the exception to do plumbing work without a license and subjects any unlicensed individual or entity that performs the plumbing work to all penalties available against an individual or entity that performs plumbing work without a license. Proposed Section 3(c) authorizes the board to provide training to an organization that provides "self-help" project assistance.

The substitute also makes conforming changes in proposed Section 3(a)(4) by updating statutory references.

April 14, 1999 2:00PM or upon adjournment Considered in public hearing Testimony taken in committee Left pending in committee

April 28, 1999 2:00PM or upon adjournment Considered in public hearing Committee substitute considered in committee Reported favorably as substituted

WITNESS LIST

HB 2475 HOUSE COMMITTEE REPORT Licensing & Administrative Procedures Committee

April 14, 1999 - 2:00PM or upon adjournment

For:

Castellanos, Francisco (City of Weslaco) Johnson, Amy (Waterworks Incorporated) Mireles, Ricardo (Sun Country Estates) Robertson, Andrew (Border Waterworks)
Vasquez, Yolanda (City of Weslaco)
Blackmon, Richard (Associated Plumbing Heating Cooling

Against:

Contractors of Texas)
Johnson, H. D. (PHCC of San Antonio)

Lord, Richard (Texas Pipe Trades, Plumbers Local Union

Alcorta, Victor (Secretary of State) On:

Conrad, Doretta A. (Texas State Board of Plumbing

Examiners)

Maxwell, Robert L. (Texas State Board of Plumbing

Examiners)

Registering, but not testifying:

Bennett, Herman (Self) For:

Hanna, Robert (Texas STEP)

Leos, Erica (TDHCA)

Vallejo, Cynthia (TDHCA)
Briars, Stanley J. (Plumbing Heating Cooling

Contractors of Houston and Harris County)

Gonzales, Christopher G. (AllPro Plumbing)

SAnchez, Luis G. (Mexican Plumbing of San Antonio)

Walden, Steve (T.N.R.C.C.) On:

LEGISLATIVE BUDGET BOARD Austin, Texas

FISCAL NOTE, 76th Regular Session

April 29, 1999

TO: Honorable Ron Wilson, Chair, House Committee on Licensing & Administrative Procedures

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB2475 by Wise (relating to the provision of plumbing services to certain economically distressed areas), Committee Report 1st House, Substituted

No significant fiscal implication to the State is anticipated.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 456 Board of Plumbing Examiners, 582 Natural Resource Conservation

Commission

LBB Staff: JK, TH, CB

LEGISLATIVE BUDGET BOARD Austin, Texas

FISCAL NOTE, 76th Regular Session

April 12, 1999

TO: Honorable Ron Wilson, Chair, House Committee on Licensing & Administrative

Procedures

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB2475 by Wise (Relating to the provision of plumbing services to certain

economically distressed areas.), As Introduced

No significant fiscal implication to the State is anticipated.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 456 Board of Plumbing Examiners, 582 Natural Resource Conservation

Commission

LBB Staff: JK, TH, CB

76TH LEGISLATURE

A2595 Corte

Date

A2790 Ellis, Dan

A3180 Heflin

Date

COAUTHOR AUTHORIZATION

(please request your coauthors to sign this form in lieu of the front or the back of the original bill)

For chief clerk use only
Bill or Resolution Number: 43 2475

signature of primary author

MIGUEL D. WISE printed name of primary author

Date 8, 1499

PERMISSION TO SIGN	4B2475	HAS BEEN GIV	EN TO (check	only one of the following):
	(bill or resolu				
ALL REPRESEN		TATIVE(S):			
THE POLLOWIN	NO REFRESEN	IAIIVE(5)			
-					
	-				
I authorize the Chief Clerk	k to include my	name as a coauthor of the le	egislation indic	ated above:	
A2120 Alexander	Date	A2600 Counts	Date	A2795 Farabee	Date
A2115 Allen	Date	A2605 Crabb	Date	А2810 Fаггаг	Date
A2105 Alvarado	Date	A2610 Craddick	Date	A2840 Flores	Date
A2135 Averitt	Date	A2615 Crownover	Date	A2920 Gallego	Date
A2160 Bailey	Date	A2645 Cuellar	Date	A2930 Garcia	Date
A2205 Berman	Date	A2635 Culberson	Date	A2940 George	Date
A2250 Bonnen	Date	A2670 Danburg	Date	A2935 Giddings	Date
A2275 Bosse	Date	A2620 Davis, John	Date	A2880 Glaze	Date
A2260 Brimer	Date	A2625 Davis, Yvonne	Date	A2985 Goodman	Date
A2265 Brown, Betty	Date	A2680 Delisi	Date	A2990 Goolsby	Date
A2270 Brown, Fred	Date	A3385 Denny	Date	A3005 Gray	Dat
A2255 Burnam	Date	A2690 Deshotel	Date	A3000 Green	Dat
A2300 Capelo	Date	A2705 Driver	Date	A3010 Greenberg	Dat
A2400 Carter	Date	A2665 Dukes	Date	A3020 Grusendorf	Dat
A2585 Chavez	Date	A2660 Dunnam	Date	A3030 Gutierrez	Dat
A2480 Chisum	Date	A2650 Dutton	Date	A3035 Haggerty	Dat
A2525 Christian	Date	A2770 Edwards	Date	A2695 Hamric	Dat
A2520 Clark	Date	A2760 Ehrhardt	Date	A3160 Hardcastle	Dat
A2435 Coleman	Date	A2775 Eiland	Date	A3170 Hartnett	Dat
A2565 Cook	Date	A2785 Elkins	Date	A3345 Hawley	Da

A3310 Hilbert Date A3715 Madden Date A4435 Shields A3250 Hilderbran Date A3750 Marchant Date A4445 Siebert A3275 Hill Date A2700 Maxey Date A4525 Smith A3270 Hinojosa Date A3665 McCall Date A4530 Smithee A3305 Hochberg Date A3650 McClendon Date A4550 Solis, Jim A3290 Hodge Date A3845 McReynolds Date A4560 Solis, Juar A3290 Hodge Date A3840 Merritt Date A4505 Solomons A3325 Homer Date A3855 Moreno, Joe Date A4515 Staples A3315 Howard Date A3860 Moreno, Paul Date A4570 Swinford	
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A2255 Hunton	Date
A3355 Hunter Date A3870 Morrison Date A4585 Talton	Date
A3360 Hupp Date A3865 Mowery Date A4605 Telford	Date
A3375 Isett Date A3885 Naishtat Date A4630 Thompson	Date
A3415 Janek Date A3890 Najera Date A4635 Tillery	Date
A3410 Jones, Charles Date A3895 Nixon, Joe Date A4650 Truitt	Date
A3405 Jones, Delwin Date A3900 Noriega Date A2730 Turner, Bo	b Date
A3400 Jones, Jesse Date A3880 Oliveira Date A4685 Turner, Syl	vester Date
A3440 Junell Date A3886 Olivo Date A4690 Uher	Date
A3475 Keel Date A4010 Palmer Date A4695 Uresti	Date
A3480 Keffer Date A4180 Pickett Date A4720 Van de Put	te Date
A3470 King, Phil Date A4185 Pitts Date A4990 Walker	Date
A3465 King, Tracy Date A4200 Puente Date A4995 West, George	ge "Buddy" Date
A3485 Krusee Date A4210 Ramsay Date A5035 Williams	Date
A3450 Kuempel Date A4240 Rangel Date A5000 Wilson	Date
A3510 Laney Date A4245 Reyna, Arthur Date A5020 Wise	Date
A3520 Lengefeld Date A4236 Reyna, Elvira Date A5015 Wohlgemut	h Date
A3605 Lewis, Glenn Date A4250 Ritter Date A4980 Wolens	Date
A3600 Lewis, Ron Date A4370 Sadler Date A5005 Woolley	Date
A3615 Longoria Date A4380 Salinas Date A5025 Yarbrough	Date
A3620 Luna, Vilma Date A4420 Seaman Date A5040 Zbranek	

Bill or Resolution Number: HB 2475

JOINT AUTHOR AUTHORIZATION

As primary author of <u>HB 2475</u> I here (bill or resolution #)	by authorize the following joint author(s).
MANNY NAJERA printed name of joint author #1	Manny Mapera signature of joint author #1
HENRY CUELLAR printed name of joint author #2	signature of joint author #2
JUAN HINOJOSA printed name of joint author #3	signature of joint author #3
printed name of joint author #4	signature of joint author #4
signature of primary author	_
date and 11, 1999	

H.B. No. 2475

A BILL TO BE ENTITLED



Relating to the provision of plumbing services to certain economically distressed areas.

MAR 0 8 1999	
	Filed with the Chief Clerk
MAR 1 0 1999	Read first time and referred to Committee on Licensing & Administrative Procedures
APR 28 1999	Reportedfavorably (as substituted)
MAY n 5 1999	Sent to Committee on (Calendars)
	Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote) (record vote of
	Constitutional rule requiring bills to be read on three several days suspended (failed to suspend) by a vote of yeas, nays, present, not voting
	Read third time (amended); finally passed (failed to pass) by a (non-record vote)
	(record vote of yeas, nays, present, not voting)
	Engrossed
	Sent to Senate CHIEF CLERK OF THE HOUSE
	Received from the House
	Read and referred to Committee on
	Reported favorably
* · · · · · · · · · · · · · · · · · · ·	Reported adversely, with favorable Committee Substitute; Committee Substitute read first time
	Ordered not printed
	Laid before the Senate
	Senate and Constitutional Rules to permit consideration suspended by (unanimous consent) (
	Read second time,, and passed to third reading by (unanimous consent) (a viva voce vote) (
	Senate and Constitutional 3 Day Rules suspended by a vote of yeas, nays
	Read third time,, and passed by (a viva voce vote) (yeas, nays)
	Returned to the House
OTHED SENATE ACTIO	

	Returned from the Senate (as substituted) (with amendments)
	House concurred in Senate amendments by a (non-record vote) (record vote of yeas, nays, present, not voting)
	House refused to concur in Senate amendments and requested the appointment of a conference committee by a (non-record vote) (record vote of yeas, nays, present, not voting)
	House conferees appointed:, Chair;,
	Senate granted House request. Senate conferees appointed:, Chair
	Conference committee report adopted (rejected) by the House by a (non-record vote)
·	(record vote of yeas, nays, present, not voting) Conference committee report adopted (rejected) by the Senate by a (viva voce vote) (record vote of yeas, nays)

S3MAY - 5 PX 12: 46 HOUSE OF REPRESENTATION

2475